

REMARKS

In the Office Action under reply, claims 1-4 and 10-13 were provisionally rejected on the ground of obviousness-type double patenting in view of particular claims of copending application 10/673,713 and particular claims of copending application 10/673,735. To overcome this double-patenting rejection, Applicants file herewith their provisional terminal disclaimer which will be effective in the event the aforementioned copending applications issue into patents.

Claims 1, 5, 8-10, 14, 17 and 18 were rejected under 35 USC 103 as allegedly being obvious in view of Tan (U.S. Patent 6,812,688) in combination with Mojoli (U.S. Patent 4,615,040). Claims 2, 3, 6, 11, 12 and 15 were rejected under 35 USC 103 as allegedly being obvious in view of the combination of Tan and Mojoli, when further combined with Verboom (U.S. Patent 6,407,970). Applicants believe that claims 1 and 10, the only independent claims in this application, are patentably distinct over the combination of Tan and Mojoli, even if this combination is further combined with Verboom, and no amendments to these claims are needed to overcome the rejection. However, to expedite the prosecution of the present application to its successful conclusion, claims 1 and 10 are amended to recite the hysteresis feature described at, for example, paragraph [0029] of Applicants' published application, and particularly, page 4, lines 10-18 of the instant specification as file. Consistent with this amendment, claims 2 and 11 are amended to avoid redundancy and to conform to the amendments made to claims 1 and 10.

Applicants nevertheless reserve the right to contest at a later time the rejection of claims 1 and 10 in view of the combination of Tan and Mojoli. The amendment to claims 1 and 10 is not an acquiescence in this rejection; and Applicants do not concede that Tan and Mojoli render obvious the subject matter of claims 1 and 10 as filed.


Furthermore, it is Applicants' contention that Tan is not a prior art reference to be applied in the manner proposed by the Examiner because those portions of Tan upon which the Examiner relies are not disclosed in Provisional Application 60/340,766 having the filing date of December 12, 2001. That is, the Tan patent is entitled to a filing date no earlier than December 10, 2002, which is later than the effective filing date to which the above-identified application is entitled.

It is believed claims 1-18 are in condition for allowance. It is further submitted that this application is in condition for allowance; and early notice to that effect is respectfully requested.

Please charge any fees occasioned by this paper and credit any overpayments to our Deposit Account 50-0320.

Respectfully submitted,

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